

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 85-4544-DMG (AGRx)** Date June 17, 2019

Title ***Jenny L. Flores, et al. v. William P. Barr, et al.*** Page 1 of 2

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: IN CHAMBERS - ORDER RE PLAINTIFFS' SEALING APPLICATION [547], PLAINTIFFS' SUPPLEMENTAL SEALING APPLICATION [557], AND PLAINTIFFS' UNOPPOSED *EX PARTE* APPLICATION TO WITHDRAW FROM THE PUBLIC DOCKET AND FILE UNDER SEAL CERTAIN DOCUMENTS [559]

On May 31, 2019, Plaintiffs filed an Application for leave to file a Motion to Enforce Settlement and documents relating thereto under seal ("Sealing Application"). [Doc. # 547.] Later that day, the Court issued an Order requiring Plaintiffs to provide additional support for their Sealing Application. [Doc. # 549.] On June 14, 2019, Plaintiffs filed a Supplemental Sealing Application [Doc. # 557] and inadvertently filed on the public docket Plaintiffs' counsel's Supplemental Declaration and the unredacted versions of Plaintiffs' Memorandum of Points & Authorities and Exhibit 10 to their forthcoming Motion. [Doc. ## 558, 558-1, 558-2.] On June 16, 2019, Plaintiffs filed an Unopposed *Ex Parte* Application to withdraw Docket Entry Nos. 558, 558-1, and 558-2 from the public docket and direct the Court Clerk to file those documents under seal ("Unopposed *Ex Parte* Application").¹ [Doc. # 559.]

With regard to Plaintiffs' Sealing Application and Supplemental Sealing Application, the only matter that Plaintiffs still request leave to file under seal are: (a) information concerning the identities of class member asylum seekers, and (b) the name and title of a particular federal employee. *See* Sealing Appl. at 3, 8 [Doc. # 557].² Defendants claim that item (b) should be sealed pursuant to the protective order issued in *Lucas R., et al. v. Alex Azar, et al.*, CV 18-5741-DMG (PLAx) (C.D. Cal.).³ *See* Schey Suppl. Decl. at ¶ 4 [Doc. # 558]. Thus, it is apparent that

¹ The Court Clerk has temporarily sealed Docket Entry Nos. 558, 558-1, and 558-2.

² All page references herein are to page numbers inserted by the CM/ECF system.

³ Defendants also contend that the protective order in *Lucas R.* bars Plaintiffs from "using evidence collected in and subject to the protective order in *Lucas R.*" to litigate this action. *See* Schey Suppl. Decl. at ¶ 4 [Doc. # 558]. The Court need not resolve that dispute at this juncture. The only question before the Court is whether and to what extent Plaintiffs may file certain documents under seal.

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Local Rule 79-5.2.2(b)'s procedures govern this aspect of Plaintiffs' sealing request. *See* C.D. Cal. L.R. 79-5.2.2(b) (governing sealing requests in which documents have been designated by another party as confidential pursuant to a protective order).

The Court issues the following rulings:

1. **By June 21, 2019**, Defendants shall comply with Local Rule 79-5.2.2(b)(i) by filing a declaration establishing "compelling reasons why the strong presumption of public access in civil cases should be overcome [with regard to item (b) above], with citations to the applicable legal standard";
2. The Court **DEFERS** ruling on Plaintiffs' Sealing Application and Supplemental Sealing Application pending Defendants' compliance with this Order; and
3. Pursuant to Local Rule 79-5.2.2, the Court **GRANTS** Plaintiffs' Unopposed *Ex Parte* Application. Docket Entry Nos. 558, 558-1, and 558-2 shall remain sealed.

IT IS SO ORDERED.